

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
vs.) NO. 04-30034-MAP
)
MICHAEL CROOKER)

AFFIDAVIT IN SUPPORT OF MOTION TO SUPPRESS
SEALED MAIL

Now comes Michael Crooker and being duly sworn hereby deposes and states as follows;

I am the defendant in the above entitled matter. Since June 2004 I have been ordered detained pre-trial. As a presumptively innocent pre-trial detainee I have an expectation of privacy in my First Class letters. I am permitted to seal my outgoing mail against examination at all of the facilities where I have been held. In most instances my sealed mail was sealed and deposited into a locked letter box. All of this mail is sealed and it is postage paid for by myself.

In Massachusetts where I was detained at Hampden County House of Correction, Walpole State Prison, and Middelton, MA., there is a specific state statute in Chapter 127 of the General Laws that require outgoing mail of both convicted and pre-trial detainees be sealed against inspection. Further, I believe Title 28 United States Code of Federal Regulations, Section 501, et.seq. governs the examination of sealed mail of pre-trial detainee which prohibits any such examination. With respect to incoming mail I believe and therefore aver that all of the institutions where I was detained have policies against opening sealed mail with limited exception to remove contraband or weapons. These limitations imposed are not for purposes pf search or seizure or to conduct collateral criminal investigation.

I am not aware of any rule or regulation which permits or creates any exception to the warrant requirement, nor am I aware of any jurisprudence in the First Circuit which permits the seizure of sealed First Class mail which has been deposited for delivery by the issuance of a Grand Jury subpoena Duces Tecum.

Signed under the pains and penalties of perjury this 6th day of June 2006.

/s/ Michael Crooker